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Filing Date	6/30/2003
First Named Inventor	Pierce, J.
Art Unit	3712
Examiner Name	Layne, B.
Attorney Docket Number	APPLICANT'S
Attorney Docket Number	JP 1

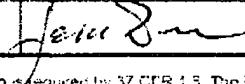
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Patent  
Docket JP 1

In the United States Patent and Trademark Office

Application of: Jesse Pierce) Examiner: Layno, B.  
Application Number 10/611,794 ) Art Unit: 3712  
Filed on: 6/30/2003  
Entitled: Reel Slot Machine and Rotator

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7-22-04  
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Dear Sir:

Reply to First Action on the Merits

In reply to the first official action mailed on May 5, 2004 with response due  
August 5, 2004, Applicant submits the amended claims.

The Examiner has cited two patents and two published applications that each discloses bonus games having a main qualifying game and a bonus game playable only when qualification has been achieved in the main game. Applicant's claimed apparatus and method has only one game that unconditionally allows play every time on a rotator located apart from the reels thus suggesting yet another chance to win although in fact Applicant's game can only be won once.

The Examiner's position and rejections are not surprising to Applicant as it was at first difficult to explain that there is no bonus game in Applicant's modified slot machine when it was demonstrated to the casino managers charged with

responsibility for purchasing and placing slot machines. In each instance those people. Each with many years of experience, fail to recognize and were unable to comprehend the difference in Applicant's claimed apparatus and method. The resulting advantage of a non bonus game with split or separate located reels and rotator provides enhanced anticipation from what is an existing software driven game by the merely converting at least one reel to a separately placed rotator. The illusion of two games results from the seriatim play of the first reel, the second reel, etc and finally the rotator; in fact, the rotator is just the continuation of the original game enhanced by the illusion of play located in the top box where bonus games traditionally appear.

Applicant was the first to appreciate that the simplicity of a conversion of an ordinary reel type slot machine to have an illusory bonus game would be advantageous and beneficial to the industry. Existing games could easily and inexpensively be changed into what appears to be an entirely different form of play without any change in their software. That change obviates an expensive regulatory hurdle. Specifically, the use, of existing software that is already approved, to drive the converted slot machine is possible because the physical change of converting a reel to a rotator does not require a software change. As the programmed play remains the same, only the appearance of the game is changed. The odds and all things that affect fairness are identical to the original machine. Thus, the regulatory officials had no problem granting approval of Applicant's conversion once the changes were understood. The converted slot machine used for regulatory approval was not an obvious difference as Applicant had to explain to the regulators that there was no bonus game. Thus, one game appeared as two even to the regulators charged with the responsibilities of protecting the public. After a great deal of explanation and demonstration the regulators finally understood what had been accomplished and approved the Applicant's conversion.

Applicant thought that the possibilities afforded by the claimed apparatus and method could now be easily be sold to the casinos and other manufactures but that was not the case. Every time the converted machine was shown the reaction was the same, it was deemed, "another bonus game". In each instance, those who should have known better skipped to the incorrect conclusion that what they were seeing was a machine with a qualifying main game that allowed play of a top box bonus game. The most significant difference was that the illusory bonus game of Applicant was played every time and so appeared to provide more play and greater anticipation. Although no bonus play takes place on the rotator, the effect is that a bonus is being played every time. It became apparent that selling the concept Applicant conceived and developed would be difficult. The need for a learning curve required to teach those that should have known what was happening was totally unexpected by Applicant and was discouraging.

Applicant's claimed apparatus and method was a simple inexpensive way to renew and revitalize old existing machines that sat in basements and warehouses collecting dust instead of in casinos collecting coins but no one appreciated what the conversion was doing. Since players love and frequent bonus game slots because of the added chances to win, a renewed slot machine would generate play. First players feel they can win more money on a bonus game this is the concept behind all bonus games including progressives. There is no free lunch as even bonus payoffs are funded by smaller pay outs in the main game. That is the secret of the typical bonus game but players believe their luck will get them into the bonus play and so they gladly take the gamble and play the bonus slot machines. Applicant's idea was to convert a regular slot machine to provide an illusion of bonus play and to generate more play. Although that is a simple idea it is not appreciated or well understood. In particular, the placement of the rotator and its operation that affords top box play of the same (non bonus) game every spin reinforces the illusion of bonus play though there is none. The frequency and amount of payoff remains identical to

that of the original software in the game before conversion so regulators had no approval problems with that. Players are attracted to Applicant's conversions and play perhaps because there is more interest in watching the reels and then the separated rotator while they are thinking there is bonus play every time even though there is not. There is no deception because this is no different from funding bonus payoffs with the underlying or main game. That lack of understanding about where the casino share comes from is inherent in every casino game else there would be none. So from the players' point of view the initial impression is that of a bonus game and that is reinforced with each spin of the separate rotator.

The Examiner would be amazed at the consistent misconceptions that the rotator was a bonus game by those so called skilled artisans that failed to understand what Applicant had done when they were shown Applicant's converted machine. Applicant's frustration increased as initial efforts to sell conversion kits, converted machines or the rights to the concept were repeatedly met with the same incorrect understanding by those that should have picked up on what had been done. An inordinate amount of time and effort was needed to teach and explain the concept. Applicant had to place converted machines in casinos on trails to show that they would attract play; this was done at Applicant's expense and it took time before the merit of a lone machine located here and there in disparate casinos was proven. The obvious monetary advantages of the conversion of existing unused slot machines would make one think that the casinos would seize the concept and follow it. What happened was the trial machines were placed in casinos where they were not highly visible. Corners away from traffic patterns and the like were tested and even without the presently popular celebrity or board game themes, Applicant's conversion was slowly building play and interest.

The rejection under 35 U.S.C. Section 103 on Baerlocker, '863 in view of Mayerhoff, '483 is directed to basic bonus game slot machines and not

Applicant's single game with the illusion of a bonus game. It is not when the rotator stops or the construction of the top box that Applicant seeks a patent for it is the separation of a one game slot machine into what appears to be two separate games but is in actuality not two but is only one game without a qualifying main game or a separate bonus game. In the '863 patent column 1, lines 30 to 45 its operation is described:

"A bonus award display includes a bonus selector which selects and displays a bonus award prior to all of said main payout indicia being selected and displayed. A control system provides the bonus award if one of one or more preselected displays of main payout indicia is displayed on the main payout display. Thus, a possible bonus award is selected and displayed before the main payout display completes its display and the player knows whether or not the bonus award will be received.

The main payout display could be reels, simulated reels, simulated cards, or some other form of gaming device. In an illustrative embodiment, the main payout display is in the form of five simulated reels. The bonus award display is a bonus wheel and a bonus selector which is a mechanical, movable pointer.

One embodiment of a gaming machine of the present invention has three or more main payout reels with indicia displayed on the outer periphery of the reels. It includes a bonus award reel with a plurality of bonus indicia displayed substantially transverse to the axis of the reel. A controller causes the bonus award reel to spin coincidentally with one or more main payout reels and stops the bonus award reel prior to stopping all of the main payout reels. The bonus award is provided to the player if one of one or more preselected displays of indicia is displayed on the main payout reels."

Applicant's claimed apparatus and has no bonus game as described in '863 on the contrary the bonus indicator there in indicates perhaps a bonus award whereas Applicant's rotator operates just as a regular one game slot machine giving a payout if the rotator indicates that the player is so entitled. Again in column 1, lines 57 through 64 it discloses:

"A controller causes the bonus award reel to spin coincidentally with one or more main payout reels and stops the bonus award reel prior to stopping all of the main payout reels. The bonus award is provided to the player if one of one or more preselected displays of indicia is displayed on the main payout reels.

In accordance with the present invention, a method of gaming is provided which includes activating a game machine, providing a main payout display of a plurality of main payout indicia with symbols, providing a bonus display of a bonus selector, selecting and displaying a bonus award, completing the main payout display and awarding the bonus if one of one or more preselected displays of main payout indicia are displayed on the main payout display."

Applicant has no main payout display and Applicant's controller has no preselected displays for a bonus award as there is one award or payout in the present claimed game. In '863 the specific disclosure is described:

"Referring to FIG. 5, the gaming machine includes main payout display 38 and bonus award display 40. These displays could be real (reels, wheels, pointers, etc.) or simulated (CRT's, LCD's, etc.) or some combination of real and simulated displays."

Consequently two games are required the main and the bonus whereas Applicant has only one game and one payable.

In '483 the secondary event happens in column 3, lines 17 to 20 as follows:

"If a preselected event occurs during the play of the main game, the player is provided with a secondary event which allows the player an opportunity to win a bonus payout."

Again this discloses merely a bonus game requiring preselection for entrance to the bonus game. In Applicant's claimed game there is only one game displayed in two different places and no qualification of the main game is required to play the separate rotator. It spins after the reels spin every time.

Inoue '517 discloses win determined by a bonus given if there is first a winning determination as follows:

"[0040] The first rotary disk stop position lottery section 84 is activated when the slot game results in double-up winning."

"[0043] When the winning determiner 58 gives winning permission, the CPU 40 drives a first rotary disk motor 67 through a driver 66, or a second rotary disk motor 69 through a driver 68 for a predetermined period. Owing to this, the magnification of the award coin numbers is determined. In case the slot game hits winning, the CPU 40 reads out the number of award coin which corresponds to the kind of winning stored in the ROM 41 to

store into the RAM 70. On operating the payout button on the operation panel 14, the coin dispenser 71 is driven to dispense the number of coins stored in the RAM 70 to the coin receiver. It is to be noted that the RAM 70 has some areas for storing how many coins are betted and inserted, as well as how many coins are paid out. The RAM 70 is used as temporary storage memory for various data, which is obtained through the process of the game."

The key difference in '517 is that it pays the player from the top down whereas the Applicant's single game pays from the bottom up. That is to say that the Applicant has one game that pays in one software step and although it appears to be split into an event in the belly box and another in the top box it is all the same game with the illusion of an every time bonus. That is clearly not the case in the '517 disclosure.

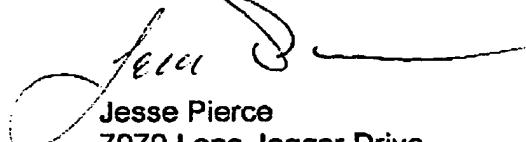
Gentles et al. '660 discloses a bonus game in paragraph 0003:

"In response to a wager for purchasing a play of the game, the machine generates a random (or pseudo-random) event and provides an award to a player for a winning outcome of the random event. Occasionally, the random event may trigger a bonus game involving lively animations, display illuminations, special effects, and/or player interaction. Game outcomes are presented to the player on one or more displays, which depict the outcomes in a form that can be understood by the player."

Although cited for its wiring harness which Applicants claims in a dependent claim '660 like the other references has a bonus game in addition to its main game.

Applicant is prosecuting this application and would appreciate any guidance the Examiner can provide on how to advance this application to allowance.

By the Applicant, respectfully submitted,

  
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